

1 **MICHAEL V. CRISTALLI, ESQ.**

2 Nevada Bar No. 6266

3 **CRISTALLI & SAGGESE, LTD.**

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6 Telephone 702.386.2180

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8 *Attorney for Defendant*

9  
10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA, )

13 Plaintiff, )

CASE NO.: 2:09-cr-0487-LDG-LRL

14 Vs. )

15 JOHNATHAN SMITH, )

16 Defendant. )

17 **MOTION FOR ORDER AUTHORIZING CONTACT VISIT**

18 COMES NOW, Defendant JOHNATHAN SMITH, by and through his attorney of record,  
19 MICHAEL V. CRISTALLI, ESQ., of the law firm of CRISTALLI & SAGGESE, LTD., and  
20 respectfully moves this Honorable Court for an order granting his request for contact visit  
21 between Defendant and Gary Modafferi, Law Clerk for Michael V. Cristalli, Esq., at the North  
22 Las Vegas Detention Center, 2332 Las Vegas Boulevard North, Suite 200, North Las Vegas, NV  
23 89030.

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1 This motion is brought pursuant to the Sixth Amendment to the United States Constitution,  
2 the attached supporting affidavit of Counsel, and any argument and/or evidence adduced at a  
3 hearing on this matter.  
4

5 DATED this 27<sup>th</sup> day of September, 2010.

6 Respectfully Submitted:

7 /s/ MICHAEL V. CRISTALLI, ESQ.

8 **MICHAEL V. CRISTALLI, ESQ.**

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15 *Attorney for Defendant*  
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**DECLARATION OF MICHAEL V. CRISTALLI, ESQ., IN SUPPORT OF MOTION**  
**FOR ORDER AUTHORIZING CONTACT VISIT**

STATE OF NEVADA            )  
                                          : ss.  
COUNTY OF CLARK        )

MICHAEL V. CRISTALLI, ESQ., being duly sworn, deposes and states:

1. That affiant is a duly licensed attorney, authorized to practice in the State and Federal courts of Nevada.

2. That affiant is counsel of record in the above-captioned matter.

3. That Gary Modafferi, J.D., is currently working in my employ as a research assistant, assigned to assist in preparation of the instant matter.

4. That Mr. Modafferi formerly practiced law for over fifteen years in Honolulu, Hawaii, working for over eleven of those years at the Department of Prosecuting Attorneys, as Narcotics Division Chief and Homicide and Major Crimes Trial Strategist. He then opened his own firm concentrating on criminal defense. During this time, he completed over 100 jury trials and taught criminal and constitutional law for nine years at Hawaii Pacific University and Chaminade University.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 27<sup>TH</sup> day of September, 2010.

/s/ MICHAEL V. CRISTALLI, ESQ.

\_\_\_\_\_  
MICHAEL V. CRISTALLI, ESQ.

**ORD**  
**MICHAEL V. CRISTALLI, ESQ.**  
Nevada Bar No. 6266  
**CRISTALLI & SAGGESE, LTD.**  
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*Attorney for Defendant*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	CASE NO.: 2:09-cr-0487-LDG-LRL
	)	
Vs.	)	
	)	
JOHNATHAN SMITH,	)	
	)	
Defendant.	)	
_____	)	

**ORDER**

The Court having reviewed Defendant's Motion for Order Authorizing Contact Visit and with good cause appearing:

**IT IS HEREBY ORDERED** that Defendant, JOHNATHAN SMITH's, request for contact visit with Gary Modafferi, J.D., at the North Las Vegas Detention Center, 2332 Las

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Vegas Boulevard North, Suite 200, North Las Vegas, NV 89030, is granted.

DATED this 30th day of September, 2010.



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UNITED STATES MAGISTRATE JUDGE

Respectfully Submitted:

/s/ MICHAEL V. CRISTALLI, ESQ.

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**MICHAEL V. CRISTALLI, ESQ.**

Nevada Bar No. 6266

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*Attorney for Defendant*